



General Assembly

January Session, 2013

Raised Bill No. 874

LCO No. 3006



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

***AN ACT CONCERNING VARIOUS REVISIONS TO THE DEPARTMENT
OF DEVELOPMENTAL SERVICES' STATUTES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (k) of section 17a-215c of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2013*):

4 (k) The [independent council established in connection with the
5 autism spectrum disorder pilot program previously operated by the
6 Department of Developmental Services shall continue to] Autism
7 Spectrum Disorder Advisory Council, established pursuant to section
8 2 of this act, shall advise the Commissioner of Developmental Services
9 on all matters relating to autism.

10 Sec. 2. (NEW) (*Effective July 1, 2013*) (a) There is established the
11 Autism Spectrum Disorder Advisory Council. The council shall consist
12 of the following members: (1) The Commissioner of Developmental
13 Services, or the commissioner's designee; (2) the Commissioner of
14 Children and Families, or the commissioner's designee; (3) the

15 Commissioner of Education, or the commissioner's designee; (4) the
16 Commissioner of Mental Health and Addiction Services, or the
17 commissioner's designee; (5) the Commissioner of Public Health, or the
18 commissioner's designee; (6) the Commissioner of Rehabilitation
19 Services, or the commissioner's designee; (7) the Commissioner of
20 Social Services, or the commissioner's designee; (8) the Secretary of the
21 Office of Policy and Management, or the secretary's designee; (9) the
22 executive director of the Office of Protection and Advocacy for Persons
23 with Disabilities, or the executive director's designee; (10) two persons
24 with autism spectrum disorder, one each appointed by the Governor
25 and the speaker of the House of Representatives; (11) two persons who
26 are parents or guardians of a child with autism spectrum disorder, one
27 each appointed by the Governor and the minority leader of the Senate;
28 (12) two persons who are parents or guardians of an adult with autism
29 spectrum disorder, one each appointed by the president pro tempore
30 of the Senate and the majority leader of the House of Representatives;
31 (13) two persons who are advocates for persons with autism spectrum
32 disorder, one each appointed by the Governor and the Speaker of the
33 House of Representatives; (14) two persons who are licensed
34 professionals working in the field of autism spectrum disorder, one
35 each appointed by the Governor and the majority leader of the Senate;
36 (15) two persons who provide services for persons with autism
37 spectrum disorder, one each appointed by the Governor and the
38 minority leader of the House of Representatives; and (16) two persons
39 who shall be representatives of an institution of higher education in
40 the state with experience in the field of autism spectrum disorder, one
41 each appointed by the Governor and the president pro tempore of the
42 Senate.

43 (b) The council shall have two chairpersons, one of whom shall be
44 the Commissioner of Developmental Services, or the commissioner's
45 designee, and one of whom shall be elected by the members of the
46 council. The council shall make rules for the conduct of its affairs. The
47 council shall meet not less than four times per year and at such other

48 times as requested by the chairpersons. Council members shall serve
49 without compensation.

50 (c) The council shall advise the Commissioner of Developmental
51 Services concerning: (1) Policies and programs for persons with autism
52 spectrum disorder; (2) services provided by the Department of
53 Developmental Services' Division of Autism Spectrum Disorder
54 Services; and (3) implementation of the recommendations resulting
55 from the autism feasibility study. The council may make
56 recommendations to the commissioner for policy and program
57 changes to improve support services for persons with autism spectrum
58 disorder.

59 (d) The Autism Spectrum Disorder Advisory Council shall
60 terminate on June 30, 2018.

61 Sec. 3. Section 17a-217a of the general statutes is repealed and the
62 following is substituted in lieu thereof (*Effective October 1, 2013*):

63 (a) There shall be a Camp Harkness Advisory Committee to advise
64 the Commissioner of Developmental Services with respect to issues
65 concerning the health and safety of persons who attend and utilize the
66 facilities at Camp Harkness. The advisory committee shall be
67 composed of twelve members as follows: (1) The director of Camp
68 Harkness, who shall serve ex officio, one member representing the
69 Southeastern Connecticut Association for Developmental Disabilities,
70 one member representing the Southbury Training School, one member
71 representing the Arc of New London County, one consumer
72 representing persons who use the camp on a residential basis and one
73 member representing parents or guardians of persons who use the
74 camp, all of whom shall be appointed by the Governor; (2) one
75 member representing parents or guardians of persons who use the
76 camp, who shall be appointed by the president pro tempore of the
77 Senate; (3) one [consumer from] member of the Family Support
78 Council established pursuant to section 17a-219c representing persons

79 who use the camp on a day basis, who shall be appointed by the
80 speaker of the House of Representatives; (4) one member representing
81 the board of selectmen of the town of Waterford, who shall be
82 appointed by the majority leader of the House of Representatives; (5)
83 one member representing a private nonprofit corporation that is: (A)
84 Tax exempt under Section 501(c)(3) of the Internal Revenue Code of
85 1986, or any subsequent internal revenue code of the United States, as
86 amended from time to time, and (B) established to promote and
87 support Camp Harkness and its camping programs, who shall be
88 appointed by the majority leader of the Senate; (6) one member
89 representing the Connecticut Institute for the Blind and the Oak Hill
90 School, who shall be appointed by the minority leader of the House of
91 Representatives; and (7) one member representing the United Cerebral
92 Palsy Association, who shall be appointed by the minority leader of
93 the Senate.

94 (b) The advisory committee shall promote communication
95 regarding camp services and develop recommendations for the
96 commissioner regarding the use of Camp Harkness.

97 Sec. 4. Section 17a-248 of the general statutes is repealed and the
98 following is substituted in lieu thereof (*Effective October 1, 2013*):

99 As used in this section and sections 17a-248b to 17a-248g, inclusive,
100 38a-490a and 38a-516a, unless the context otherwise requires:

101 (1) "Commissioner" means the Commissioner of Developmental
102 Services.

103 (2) "Council" means the State Interagency Birth-to-Three
104 Coordinating Council established pursuant to section 17a-248b.

105 (3) "Early intervention services" means early intervention services,
106 as defined in [34 CFR Part 303.12] 34 CFR Part 303.13, as from time to
107 time amended.

108 (4) "Eligible children" means children from birth to thirty-six months
109 of age, who are not eligible for special education and related services
110 pursuant to sections 10-76a to 10-76h, inclusive, and who need early
111 intervention services because such children are:

112 (A) Experiencing a significant developmental delay as measured by
113 standardized diagnostic instruments and procedures, including
114 informed clinical opinion, in one or more of the following areas: (i)
115 Cognitive development; (ii) physical development, including vision or
116 hearing; (iii) communication development; (iv) social or emotional
117 development; or (v) adaptive skills; or

118 (B) Diagnosed as having a physical or mental condition that has a
119 high probability of resulting in developmental delay.

120 (5) "Evaluation" means a multidisciplinary professional, objective
121 assessment conducted by appropriately qualified personnel in order to
122 determine a child's eligibility for early intervention services.

123 (6) "Individualized family service plan" means a written plan for
124 providing early intervention services to an eligible child and the child's
125 family.

126 (7) "Lead agency" means the Department of Developmental
127 Services, the public agency responsible for the administration of the
128 birth-to-three system in collaboration with the participating agencies.

129 (8) "Parent" means (A) a biological, adoptive or foster parent of a
130 child; (B) a guardian, except for the Commissioner of Children and
131 Families; (C) an individual acting in the place of a biological or
132 adoptive parent, including, but not limited to, a grandparent,
133 stepparent, or other relative with whom the child lives; (D) an
134 individual who is legally responsible for the child's welfare; or (E) an
135 individual appointed to be a surrogate parent.

136 (9) "Participating agencies" includes, but is not limited to, the

137 Departments of Education, Social Services, Public Health, Children
138 and Families and Developmental Services, the Insurance Department,
139 the Department of Rehabilitation Services and the Office of Protection
140 and Advocacy for Persons with Disabilities.

141 (10) "Qualified personnel" means persons who meet the standards
142 specified in [34 CFR Part 303.12(e)] 34 CFR Part 303.31, as from time to
143 time amended, and who are licensed physicians or psychologists or
144 persons holding a state-approved or recognized license, certificate or
145 registration in one or more of the following fields: (A) Special
146 education, including teaching of the blind and the deaf; (B) speech and
147 language pathology and audiology; (C) occupational therapy; (D)
148 physical therapy; (E) social work; (F) nursing; (G) dietary or nutritional
149 counseling; and (H) other fields designated by the commissioner that
150 meet requirements that apply to the area in which the person is
151 providing early intervention services, provided there is no conflict
152 with existing professional licensing, certification and registration
153 requirements.

154 (11) "Service coordinator" means a person carrying out service
155 coordination services, as defined in [34 CFR Part 303.22] 34 CFR Part
156 303.34, as from time to time amended.

157 (12) "Primary care provider" means physicians and advanced
158 practice registered nurses, licensed by the Department of Public
159 Health, who are responsible for performing or directly supervising the
160 primary care services for children enrolled in the birth-to-three
161 program.

162 Sec. 5. Subsections (a) and (b) of section 17a-248b of the general
163 statutes are repealed and the following is substituted in lieu thereof
164 (*Effective October 1, 2013*):

165 (a) The lead agency shall establish a State Interagency Birth-to-Three
166 Coordinating Council and shall provide staff assistance and other
167 resources to the council. The council shall consist of the following

168 members, appointed by the Governor: (1) Parents, including minority
169 parents, of children with disabilities twelve years of age or younger,
170 with knowledge of, or experience with, programs for children with
171 disabilities from birth to thirty-six months of age, the total number of
172 whom shall equal not less than twenty per cent of the total
173 membership of the council, and at least one of whom shall be a parent
174 of a child six years of age or younger, with a disability; (2) two
175 members of the General Assembly at the time of their appointment,
176 one of whom shall be designated by the speaker of the House of
177 Representatives and one of whom shall be designated by the president
178 pro tempore of the Senate; (3) one person involved in the training of
179 personnel who provide early intervention services; (4) one person who
180 is a member or a representative of the American Academy of
181 Pediatrics; (5) the state coordinator of education for homeless children
182 and youth, the state coordinator for early childhood special education
183 and one person from each of the participating agencies, except the
184 Department of Education, who shall be designated by the
185 commissioner or executive director of the participating agency and
186 who have authority to engage in policy planning and implementation
187 on behalf of the participating agency; (6) public or private providers of
188 early intervention services, the total number of whom shall equal not
189 less than twenty per cent of the total membership of the council; and
190 (7) a representative of a Head Start program or agency. The Governor
191 shall designate the chairperson of the council who shall not be the
192 designee of the lead agency.

193 (b) The Governor shall appoint all members of the council for terms
194 of three years. No appointed member of the council may serve more
195 than two consecutive terms, except a member may continue to serve
196 until a successor is appointed.

197 Sec. 6. Section 17a-248d of the general statutes is repealed and the
198 following is substituted in lieu thereof (*Effective October 1, 2013*):

199 (a) The lead agency, in coordination with the participating agencies

200 and in consultation with the council, shall establish and maintain a
201 state-wide birth-to-three system of early intervention services pursuant
202 to Part C of the Individuals with Disabilities Education Act, 20 USC
203 1431 et seq., for eligible children and families of such children.

204 (b) The state-wide system shall include a system for compiling data
205 on the number of eligible children in the state in need of appropriate
206 early intervention services, the number of such eligible children and
207 their families served, the types of services provided and other
208 information as deemed necessary by the lead agency.

209 (c) The state-wide system shall include a comprehensive child-find
210 system and public awareness program to ensure that eligible children
211 are identified, located, referred to the system and evaluated. The
212 following persons and entities, [within two working days of
213 identifying] as soon as possible but not later than seven calendar days
214 after identifying a child from birth to three years of age suspected of
215 having a developmental delay or of being at risk of having a
216 developmental delay, shall refer the parent of such child to the early
217 intervention system unless the person knows the child has already
218 been referred: (1) Hospitals; (2) child health care providers; (3) local
219 school districts; (4) public health facilities; (5) early intervention service
220 providers; (6) participating agencies; and (7) such other social service
221 and health care agencies and providers as the commissioner specifies
222 in regulation.

223 (d) The commissioner, in coordination with the participating
224 agencies and in consultation with the council, shall adopt regulations,
225 pursuant to chapter 54, to carry out the provisions of section 17a-248
226 and sections 17a-248b to 17a-248g, inclusive, 38a-490a and 38a-516a.

227 (e) The state-wide system shall include a system for required
228 notification to any local or regional school board of education no later
229 than January first of each year of any child who resides in the local or
230 regional school district, participates in the state-wide program and will

231 attain the age of three during the next fiscal year. Such system of
232 notification shall include provisions for preserving the confidentiality
233 of such child and of the parent or guardian of such child.

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2013</i> | 17a-215c(k) |
| Sec. 2 | <i>July 1, 2013</i> | New section |
| Sec. 3 | <i>October 1, 2013</i> | 17a-217a |
| Sec. 4 | <i>October 1, 2013</i> | 17a-248 |
| Sec. 5 | <i>October 1, 2013</i> | 17a-248b(a) and (b) |
| Sec. 6 | <i>October 1, 2013</i> | 17a-248d |

Statement of Purpose:

To make a technical change to the statute establishing the Camp Harkness Advisory Committee, to change term limits and appointments to the Birth-to-Three Interagency Coordinating Council, and to establish the Autism Spectrum Disorder Advisory Council.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]